

### REMARKS

In the Office Action mailed January 30, 2004, the Examiner objected to paragraph 051 in the disclosure; rejected claim 10 under 35 U.S.C. §112, first paragraph, "as failing to comply with the written description requirement"; rejected claim 17 under 35 U.S.C § 102(e) as being anticipated by U.S. Patent No. 6,430,289 to Liffick; and rejected claims 2-5 and 12-16 under 35 U.S.C § 103(a) as being unpatentable over Liffick in view of U.S. Patent No. 5,327,486 to *Wolf et al.* ("Wolf").

### Summary of this Amendment

By this Amendment, Applicants have amended paragraphs 51 and 65 of the specification to correct inadvertent typographical errors, cancelled claim 17 without prejudice or disclaimer of the subject matter thereof, and amended claims 14 and 15 to more appropriately define the present invention. In light of the foregoing remarks, Applicants respectfully request the timely reexamination and allowance of pending claims 2-5, 7-10, and 12-16.

### Detailed Response

#### Claim Objections

Applicants have amended paragraph 051 and respectfully request that the objection be withdrawn as moot.

#### Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claim 10 under 35 U.S.C. § 112, first paragraph "as failing to comply with the written description requirement." See O.A. at p. 3. The Examiner asserted that the claimed elements " a receiver for receiving via the data network event data associated with the caller," and "notifies the caller that a connection is about to take place, and receives confirmation from the caller to initiate the connection to the one or more parties" are not disclosed in the application. Applicants respectfully disagree.

First and foremost, Applicants submit that the element “a receiver for receiving via the data network event data associated with the caller,” was part of original claim 6, from which claim 10 depended. Claim 10 has since been rewritten in independent form. Because this element was part of an originally filed claim, “[t]here is a strong presumption that an adequate written description of the claimed invention is preset when the application is filed.” See M.P.E.P. § 2163(I)(A).

Furthermore, Applicants submit that each of these features find adequate support in the specification as filed. With respect to the element “a receiver for receiving via the data network event data associated with the caller,” this feature is adequately described in the specification as filed<sup>1</sup>, including, but not limited to, pages 16-17, paragraph 59, (“The calendar system receives an event record (step 702)...[f]or example, user 110 may enter an event into calendar application 220”). Figure 2 further shows calendar application as part of user terminal 112.

With respect to the element “notifies the caller that a connection is about to take place, and receives confirmation from the caller to initiate the connection to the one or more parties,” this feature is also adequately described by the application as file, including, but, not limited to, page 17-18, paragraphs 63-65. For example, the specification describes that

management server 406 may direct data interface server 404 to send an IM to user 110...the notification message may include information regarding the event, such as the information identifying the called party or calling party, time, and phone number. The notification message may include other information such as...a request for authorization to make the connection. See application page 17, ¶ 63.

<sup>1</sup> Applicants respectfully submit that the various exemplary embodiments of the present invention illustrate several advantages provided by the present invention. In making the various references to the specification and drawings set forth herein, it is to be understood that Applicant is in no way intending to limit the scope of the claims to the exemplary embodiments shown in the drawings and described in the specification. Rather, Applicant expressly affirms that he is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In addition, paragraph 65 (page 18) further describes that "if user 110 provides an affirmative indication, then service center 106 may initiate and establish a call on behalf of a user 110."

Accordingly, Applicants submit that the elements "a receiver for receiving via the data network event data associated with the caller," and "notifies the caller that a connection is about to take place, and receives confirmation from the caller to initiate the connection to the one or more parties" are adequately described in the specification, and request the withdrawal of the present rejection. Accordingly, Applicants request the timely allowance of claims 7-10.

Applicants note that the Examiner has provided no other grounds of rejection for claim 10, or claims 7-9 depending therefrom.

Rejections under 35 U.S.C. § 102(e)

By this Amendment, Applicants have cancelled claim 17, without prejudice or disclaimer of the subject matter thereof, thus obviating the Examiner's rejection.

Rejections under 35 U.S.C. § 103(a)

The rejections of claims 2-5, and 12-16 as unpatentable under 35 U.S.C. § 103(a) are respectfully traversed, since the cited art does not render the claimed combination obvious. To render the pending claims obvious under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or in combination, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." (See M.P.E.P. § 2143 (8<sup>th</sup> Ed.

2001)). Applicants submit that these requirements have not been met for at least the following reasons.

Independent claim 5 recites a combination including, for example, "requesting authorization from the user to initiate the call, based on a current time and the event time." Applicants submit that no combination of Liffick and Wolff renders this combination obvious. More particularly, the Examiner admitted, and Applicants agree, that Liffick does not disclose or suggest "requesting authorization from the user to initiate the call based on a current time and the event time." See O.A. p. 7. Wolff does not cure this deficiency, that is, it too does not disclose or suggest "requesting authorization from the user to initiate the call, based on a current time and the event time." In Wolff, "upon receiving an incoming call at block 24," (see FIG. 2, block 24 and Col. 3, line 51), the call is then processed, possibly "display[ing] the name and number of the caller to the end user, who can use the information to decide how to respond to the call." (See Fig. 2, block 38, and col. 4, lines 39-42.) Furthermore, the call has already been initiated when the name and number are displayed to the called party. The decision on how to respond to the call cannot be an "authorization from the user to initiate the call," as recited in claim 5. Accordingly, Applicants submit that no combination of Liffick and Wolff renders the claimed combination obvious and claim 5 is therefore allowable.

Furthermore, as claims 2-4 depend from allowable claim 5, Applicants submit that they, too, are allowable.

Independent claim 16 recites a combination including, for example, "requesting authorization to initiate the call from a caller, based on a current time and the event time." For the reasons set forth above, with regard to claim 5, Applicants submit that no combination of

Liffick and Wolff renders this claim obvious. Applicants therefore submit that claim 16 is allowable.

Independent claim 14 recites a combination including, for example, “means for notifying the user that a connection is about to be initiated.” Applicants submit that no combination of Liffick and Wolff renders this combination obvious. More particularly, the Examiner admitted, and Applicants agree, that Liffick does not disclose or suggest this feature. See O.A. p. 6. Wolff does not cure this deficiency, that is, it too does not disclose or suggest “means for notifying the user that a connection is about to be initiated.” In Wolff, “upon receiving an incoming call at block 24,” (see FIG. 2, block 24 and Col. 3, line 51), the call is then processed, possibly “display[ing] the name and number of the caller to the end user, who can use the information to decide how to respond to the call.” (See Fig. 2, block 38, and col. 4, lines 39-42.) Accordingly, the call has already been initiated when the name and number are displayed to the called party. Any notification of Wolff is therefore a notification of a call that has been initiated, and not of “a connection [that] is about to be initiated,” as recited in claim 14. Accordingly, Applicants submit that no combination of Liffick and Wolff renders the claimed combination obvious and claim 14 is therefore allowable.

Applicants further submit that claims 12 and 13 are allowable at least by virtue of their dependence from allowable claim 14.

Independent claim 15 recites a combination including, for example, “notifying the user that the call is about to be initiated.” For at least the reasons set forth above, with regard to claim 14, Applicants submit that no combination of Liffick and Wolff renders this claim obvious. Accordingly, Applicants submit that claim 15 is allowable.

**Conclusion**

In view of the foregoing, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified above, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to deposit account 07-2339.

Respectfully submitted,

Dated: June 28, 2004

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